

116TH CONGRESS  
2D SESSION

# S. 5004

To authorize the Secretary of Housing and Urban Development to provide funding to public housing agencies for the purpose of providing tenant-based assistance to individuals experiencing an economic crisis or natural disaster, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2020

Mr. SCHATZ (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To authorize the Secretary of Housing and Urban Development to provide funding to public housing agencies for the purpose of providing tenant-based assistance to individuals experiencing an economic crisis or natural disaster, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Crisis Housing Act  
5       of 2020”.

1     **SEC. 2. CRISIS HOUSING ASSISTANCE PROGRAM.**

2         (a) IN GENERAL.—Title I of the United States Hous-  
3         ing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by  
4         adding at the end the following:

5     **“SEC. 39. CRISIS HOUSING ASSISTANCE PROGRAM.**

6         “(a) DEFINITIONS.—In this section:

7             “(1) AFFECTED AREA.—The term ‘affected  
8             area’ means—

9                 “(A) a State in which a trigger event oc-  
10                 curs;

11                 “(B) a county in which a trigger event oc-  
12                 curs; or

13                 “(C) an Indian tribal government that is  
14                 subject to a trigger event.

15             “(2) ADMINISTRATOR.—The term ‘Adminis-  
16             trator’ means the Administrator of the Federal  
17             Emergency Management Agency.

18             “(3) COUNTY.—The term ‘county’ means a  
19             county, parish, or other equivalent county division,  
20             as defined by the Bureau of the Census.

21             “(4) ELIGIBLE RECIPIENT.—The term ‘eligible  
22             recipient’ means a family—

23                 “(A)(i) that is a low-income family; or

24                 “(ii) that has been determined to re-  
25                 quire housing assistance by the Adminis-  
26                 trator under section 408(b) of the Robert

1                   T. Stafford Disaster Relief and Emergency  
2                   Assistance Act (42 U.S.C. 5174(b));

3                   “(B)(i) that resides or is homeless in an  
4                   affected area on a date that is on or not more  
5                   than 7 days before the date on which a trigger  
6                   event occurs in the affected area, regardless of  
7                   whether the family resides or experiences home-  
8                   lessness in the affected area on the date on  
9                   which the family applies for assistance under  
10                  this section; or

11                  “(ii) that is governed by an Indian tribal  
12                  government that is subject to a trigger event;  
13                  and

14                  “(C) that, not later than 180 days after  
15                  the date on which the trigger event described in  
16                  subparagraph (B) occurs, submits an applica-  
17                  tion to a public housing agency for rental as-  
18                  sistance under this section.

19                  “(5) HOMELESS.—The term ‘homeless’ has the  
20                  meaning given the term in section 103 of the  
21                  McKinney-Vento Homeless Assistance Act (42  
22                  U.S.C. 11302).

23                  “(6) INDIAN TRIBAL GOVERNMENT.—The term  
24                  ‘Indian tribal government’ has the meaning given  
25                  the term in section 102 of the Robert T. Stafford

1      Disaster Relief and Emergency Assistance Act (42  
2      U.S.C. 5122).

3            “(7) RENTAL ASSISTANCE.—The term ‘rental  
4      assistance’ means tenant-based assistance that is au-  
5      thorized under this section.

6            “(8) RENTAL CONTRIBUTION.—The term ‘rent-  
7      al contribution’ means a contribution of an eligible  
8      recipient towards the rental price of a housing unit  
9      paid for with rental assistance.

10          “(9) STATE.—The term ‘State’ means any  
11      State of the United States, the District of Columbia,  
12      and any territory of the United States.

13          “(10) TENANT-BASED ASSISTANCE.—The term  
14      ‘tenant-based assistance’ means housing assistance  
15      that allows an eligible recipient to—

16            “(A) select a housing unit where the eligi-  
17      ble recipient will be assisted under this section;  
18      and

19            “(B) move to another housing unit and  
20      continue to receive assistance under this sec-  
21      tion, as long as the eligible recipient complies  
22      with the requirements of this section.

23          “(11) TRIBALLY DESIGNATED HOUSING ENTI-  
24      TY.—The term ‘Tribally designated housing entity’  
25      has the meaning given the term ‘tribally designated

1       housing entity' in section 4 of the Native American  
2       Housing Assistance and Self-Determination Act of  
3       1996 (25 U.S.C. 4103).

4           “(12) TRIGGER EVENT.—The term ‘trigger  
5       event’ means—

6               “(A) with respect to a State—

7                   “(i) an increase in the 6-month mov-  
8       ing average of the unemployment rate in  
9       the State that is not less than 0.5 percent-  
10      age points greater than the lowest unem-  
11      ployment rate in the State during the 12-  
12      month period preceding the date of the in-  
13      crease; or

14                   “(ii) a major disaster under which as-  
15      sistance is authorized under section 408 of  
16      the Robert T. Stafford Disaster Relief and  
17      Emergency Assistance Act (42 U.S.C.  
18      5174) in counties in which a majority of  
19      the residents of the State reside;

20               “(B) with respect to a county, a major dis-  
21      aster under which assistance is authorized for  
22      individuals in the county under section 408 of  
23      the Robert T. Stafford Disaster Relief and  
24      Emergency Assistance Act (42 U.S.C. 5174);  
25      and

1               “(C) with respect to an Indian tribal gov-  
2               ernment—

3                         “(i) an event described in subpara-  
4               graph (A) that occurs within a State in  
5               which the Indian tribal government is lo-  
6               cated;

7                         “(ii) an event described in subpara-  
8               graph (B) that occurs within a county in  
9               which the Indian tribal government is lo-  
10               cated;

11                         “(iii) an increase in the 6-month mov-  
12               ing average of the unemployment rate of  
13               the individuals governed by the Indian  
14               tribal government that is not less than 0.5  
15               percentage points greater than the lowest  
16               unemployment rate of the individuals gov-  
17               erned by the Indian tribal government dur-  
18               ing the 12-month period preceding the  
19               date of the increase; or

20                         “(iv) a major disaster under which as-  
21               sistance is authorized for individuals gov-  
22               erned by the Indian tribal government  
23               under section 408 of the Robert T. Staf-  
24               ford Disaster Relief and Emergency Assist-  
25               ance Act (42 U.S.C. 5174).

1       “(b) PROGRAM AUTHORIZED.—

2           “(1) IN GENERAL.—The Secretary shall provide  
3           funding to public housing agencies that provide rent-  
4           al assistance to eligible recipients under this section  
5           in accordance with this subsection.

6           “(2) ACCEPTANCE OF APPLICATIONS.—A public  
7           housing agency may begin to accept applications for  
8           rental assistance on the date on which the Secretary  
9           provides notice to the public housing agency under  
10          subsection (h)(2).

11          “(3) CONFIRMATION OF ELIGIBILITY.—Not  
12          later than 30 days after the date on which a public  
13          housing agency receives an application for rental as-  
14          sistance from an individual—

15           “(A) the public housing agency shall co-  
16           ordinate with the Secretary to determine whether  
17           the individual qualifies as an eligible recipi-  
18           ent; and

19           “(B) the Secretary shall confirm the deter-  
20           mination made under subparagraph (A).

21          “(4) ISSUING OF RENTAL ASSISTANCE.—For  
22          each individual who applies to a public housing  
23          agency that is confirmed as an eligible recipient  
24          under paragraph (3)—

1                 “(A) the Secretary shall guarantee pay-  
2                 ment to the public housing agency for the cost  
3                 of rental assistance and the administrative fees  
4                 established under subsection (f); and

5                 “(B) the public housing agency shall issue  
6                 rental assistance to the eligible recipient.

7                 “(5) PRIORITY IN THE CASE OF A MAJOR DIS-  
8                 ASTER.—In issuing rental assistance under para-  
9                 graph (4)(B), an eligible public housing agency shall  
10                 prioritize the eligible recipients described in sub-  
11                 section (a)(4)(A)(ii).

12                 “(6) INCREMENTAL INCREASE IN RENTAL CON-  
13                 TRIBUTION.—

14                 “(A) IN GENERAL.—The Secretary may re-  
15                 quire that the rental contribution of an eligible  
16                 recipient receiving rental assistance incremen-  
17                 tally increases beginning on the date that is 1  
18                 year after the date on which the first rental  
19                 payment on a housing unit using the rental as-  
20                 sistance occurs.

21                 “(B) FREQUENCY.—An increase described  
22                 in subparagraph (A) may occur not more fre-  
23                 quently than quarterly.

24                 “(C) AMOUNTS.—

1                     “(i) FIRST INCREASE.—The first in-  
2                     crease described in subparagraph (A) shall  
3                     be in an amount that ensures that an eligi-  
4                     ble recipient contributes not more than 30  
5                     percent of the adjusted income of the eligi-  
6                     ble recipient towards a rental unit.

7                     “(ii) FINAL INCREASE.—The final in-  
8                     crease described in subparagraph (A) shall  
9                     be in an amount that ensures that an eligi-  
10                    ble recipient contributes not more than 40  
11                    percent of the adjusted income of the eligi-  
12                    ble recipient towards a rental unit.

13                    “(D) DECREASE.—At any time, the Sec-  
14                    retary may reduce a rental contribution of an  
15                    eligible recipient receiving rental assistance if  
16                    the adjusted income of the eligible recipient de-  
17                    creases suddenly.

18                    “(E) LIMIT.—An eligible recipient may not  
19                    be required to contribute more than 40 percent  
20                    of the adjusted income of the eligible recipient  
21                    towards a rental unit paid for with rental as-  
22                    sistance.

23                    “(7) TRIBALLY DESIGNATED HOUSING ENTI-  
24                    TIES.—In the case of an eligible recipient that is eli-  
25                    gible as a result of a trigger event described in sub-

1       section (a)(12)(C), a Tribally designated housing en-  
2       tity may be considered a public housing agency for  
3       the purpose of this section.

4           “(8) REASONABLE RENT.—The rental price for  
5       a housing unit paid for with rental assistance shall  
6       be reasonable in comparison with rents charged for  
7       comparable housing units in the private, unassisted  
8       local market of the area in which the housing unit  
9       is located.

10          “(c) HOUSING COUNSELING AND SUPPORT.—

11           “(1) IN GENERAL.—The Secretary, through  
12       agreements with public housing agencies issuing  
13       rental assistance, shall provide housing counseling  
14       services to eligible recipients receiving rental assist-  
15       ance.

16           “(2) SERVICES.—The housing counseling serv-  
17       ices provided under this subsection shall include as-  
18       sisting an eligible recipient find housing—

19                “(A) with the rental assistance; and  
20                “(B) after the expiration of the rental as-  
21       sistance.

22           “(3) ADDITIONAL ASSISTANCE.—The Secretary  
23       may provide funding to public housing agencies for  
24       the purpose of paying for utility and security depos-

1       its that are necessary in order for eligible recipients  
2       to secure housing with rental assistance.

3           “(4) NONPROFIT ORGANIZATIONS.—A public  
4       housing agency may enter into an agreement with a  
5       community nonprofit organization to deliver housing  
6       counseling services under this subsection.

7           “(d) TIMELINE FOR RENTAL ASSISTANCE.—

8           “(1) IN GENERAL.—Rental assistance shall ex-  
9       pire on the date that is 2 years after the date on  
10      which the first rental payment on a housing unit  
11      using the rental assistance occurs.

12           “(2) EXTENSION.—The Secretary shall extend  
13      the validity of rental assistance expiring under para-  
14      graph (1) for 1 additional year if—

15           “(A) in the case of rental assistance of an  
16      eligible recipient that receives the rental assist-  
17      ance as a result of a trigger event that is an in-  
18      crease in the 6-month moving average of the  
19      unemployment rate of an affected area, on the  
20      date that is 2 years after the date on which the  
21      trigger event occurred, the unemployment rate  
22      of the affected area is not less than 2 percent-  
23      age points greater than it was on the date on  
24      which the trigger event occurred; and

1                 “(B) in the case of rental assistance of an  
2                 eligible recipient that receives the rental assist-  
3                 ance as a result of a trigger event occurring in  
4                 an affected area that is a major disaster under  
5                 which assistance is authorized under section  
6                 408 of the Robert T. Stafford Disaster Relief  
7                 and Emergency Assistance Act (42 U.S.C.  
8                 5174), the Governor of the State in which the  
9                 affected area is located, in consultation with the  
10                 Administrator, if appropriate—

11                         “(i) requests the extension; and  
12                         “(ii) determines that the housing in  
13                 the affected area that is available to low-  
14                 income families has not recovered from the  
15                 trigger event.

16                 “(3) ADDITIONAL TRIGGER EVENT.—If an eligi-  
17                 ble recipient receiving rental assistance as a result of  
18                 a trigger event resides in an affected area on or not  
19                 more than 7 days before the date on which an addi-  
20                 tional trigger event occurs, or if an eligible recipient  
21                 receiving rental assistance as a result of a trigger  
22                 event is governed by an Indian tribal government  
23                 that is subject to an additional trigger event, the  
24                 Secretary shall—

1                 “(A) extend the validity of the rental as-  
2                 sistance until the date that is 2 years after the  
3                 date of the additional trigger event; and

4                 “(B) extend the validity of the rental as-  
5                 sistance for 1 additional year if the additional  
6                 trigger event meets the requirements of a trig-  
7                 ger event under subparagraph (A) or (B) of  
8                 paragraph (2).

9                 “(4) ELIMINATION.—The Secretary may re-  
10                 quire a public housing agency to invalidate rental as-  
11                 sistance of an eligible recipient that—

12                 “(A) selects a housing unit with the rental  
13                 assistance with a rental price that violates sub-  
14                 section (b)(7); or

15                 “(B) relinquishes the rental assistance.

16                 “(5) RENTAL ASSISTANCE TIED TO RECIPI-  
17                 ENT.—An eligible recipient may not transfer rental  
18                 assistance to any other person.

19                 “(e) OTHER RENTAL ASSISTANCE.—

20                 “(1) PROHIBITION ON DUPLICATE ASSIST-  
21                 ANCE.—An eligible recipient who receives other ten-  
22                 ant-based assistance under section 8 may not receive  
23                 rental assistance under this section.

24                 “(2) WAITLIST FOR OTHER RENTAL ASSIST-  
25                 ANCE.—With respect to an eligible recipient of rent-

1       al assistance who is on a waitlist for other tenant-  
2       based assistance under section 8(o)—

3               “(A) the place or preference status on that  
4       waitlist of the eligible recipient may not be  
5       changed as a result of the receipt of a rental  
6       assistance; and

7               “(B) if the other tenant-based assistance  
8       becomes available to the eligible recipient—

9                       “(i) the eligible recipient may elect to  
10       use that other tenant-based assistance; and  
11                       “(ii) if the eligible recipient makes an  
12       election under clause (i), the rental assist-  
13       ance under this section shall be eliminated.

14       “(f) ADMINISTRATIVE FEES.—

15               “(1) IN GENERAL.—The Secretary, in consulta-  
16       tion with public housing agencies and professional  
17       associations of public housing agencies, shall estab-  
18       lish fees to pay public housing agencies for the costs  
19       of—

20                       “(A) administering rental assistance; and

21                       “(B) providing the housing counseling and  
22       support services required under subsection (c).

23       “(2) CONSIDERATION OF OTHER ADMINISTRA-  
24       TIVE FEES.—In establishing the administrative fees

1 required under paragraph (1), the Secretary shall  
2 consider—

3 “(A) the administrative fees established  
4 under section 8(q); and

5 “(B) any administrative fees established to  
6 support public housing agencies under—

7 “(i) an interagency agreement be-  
8 tween the Administrator and the Secretary  
9 to ensure the implementation of a Disaster  
10 Housing Assistance Program under section  
11 408 of the Robert T. Stafford Disaster Re-  
12 lief and Emergency Assistance Act (42  
13 U.S.C. 5174) relating to hurricanes Gus-  
14 tav, Ike, Katrina, Rita, or Sandy; or

15 “(ii) any other interagency agreement  
16 with a similar purpose to the interagency  
17 agreement described in clause (i).

18 “(3) RELOCATING FAMILIES.—The Secretary  
19 shall ensure that, with respect to an eligible recipi-  
20 ent that moves to a dwelling unit under section 8(r)  
21 that is located in an area over which the public  
22 housing agency that issues rental assistance to the  
23 eligible recipient does not have jurisdiction, the pub-  
24 lic housing agency that has jurisdiction over the  
25 dwelling unit receives the appropriate amount of ad-

1 ministrative fees under this subsection on account of  
2 the eligible recipient.

3 “(g) COORDINATION.—The Commissioner of the Bu-  
4 reau of Labor Statistics shall coordinate with the Assis-  
5 tant Secretary of Indian Affairs to develop reliable unem-  
6 ployment measures for American Indian, Native Alaskan,  
7 and Native Hawaiian communities in order to understand  
8 when the requirements for a trigger event under sub-  
9 section (a)(12)(C)(ii) are met.

10 “(h) NOTIFICATION REQUIREMENTS.—

11 “(1) NOTIFICATIONS TO SECRETARY.—

12 “(A) ADMINISTRATOR.—On the date on  
13 which a trigger event occurs that is a major  
14 disaster under which assistance is authorized  
15 under section 408 of the Robert T. Stafford  
16 Disaster Relief and Emergency Assistance Act  
17 (42 U.S.C. 5174), the Administrator shall no-  
18 tify the Secretary of—

19 “(i) the trigger event; and

20 “(ii) the affected area in which the  
21 trigger event occurs.

22 “(B) SECRETARY OF LABOR.—On the date  
23 on which a trigger event occurs that is an in-  
24 crease in the 6-month moving average of the

1           unemployment rate of an affected area, the Sec-  
2           retary of Labor shall notify the Secretary of—  
3               “(i) the trigger event; and  
4               “(ii) the affected area in which the  
5           trigger event occurs.

6           “(2) NOTIFICATION BY SECRETARY.—Not later  
7           than 14 days after the date on which a trigger event  
8           occurs, the Secretary, in coordination with the Ad-  
9           ministrator, if appropriate, shall notify public hous-  
10          ing agencies, the affected area in which the trigger  
11          event occurs, Congress, and the public of—

12               “(A) the trigger event; and  
13               “(B) the availability of rental assistance  
14           for eligible recipients under this section.

15           “(i) DUPLICATION OF BENEFITS.—

16               “(1) IN GENERAL.—An eligible recipient receiv-  
17          ing rental assistance may not concurrently receive  
18          any other Federal, State, territorial, local, or Tribal  
19          housing assistance, including housing assistance  
20          under section 408 of the Robert T. Stafford Disaster  
21          Relief and Emergency Assistance Act (42 U.S.C.  
22          5174).

23               “(2) REGULATIONS.—The Secretary shall es-  
24          tablish regulations to prevent the concurrent receipt  
25          of assistance under paragraph (1).

1       “(j) REGULATIONS.—

2           “(1) IN GENERAL.—Not later than 6 months  
3       after the date of enactment of this section, the Sec-  
4       retary, in coordination with the Administrator, shall  
5       promulgate regulations to implement this section.

6           “(2) SECTION 8(O) REGULATIONS.—In issuing  
7       the regulations required under paragraph (1), the  
8       Secretary may make a regulation that is applicable  
9       to section 8(o) applicable to this section, including  
10      any regulation relating to the elimination of tenant-  
11      based assistance for a family that commits fraud in  
12      order to receive the tenant-based assistance.

13       “(k) APPROPRIATIONS.—Out of any money in the  
14      Treasury of the United States not otherwise appropriated,  
15      there are appropriated to the Department of Housing and  
16      Urban Development such sums as may be necessary to  
17      carry out this section.

18       “(l) EMERGENCY DESIGNATION.—

19           “(1) IN GENERAL.—The amounts provided by  
20       this section are designated as an emergency require-  
21       ment pursuant to section 4(g) of the Statutory Pay-  
22       As-You-Go Act of 2010 (2 U.S.C. 933(g)).

23           “(2) DESIGNATION IN SENATE.—In the Senate,  
24       this section is designated as an emergency require-  
25       ment pursuant to section 4112(a) of H. Con. Res.

1       71 (115th Congress), the concurrent resolution on  
2       the budget for fiscal year 2018.”.

3       (b) DEFINITION OF PUBLIC HOUSING AGENCY.—

4       Section 3(b)(6)(B) of the United States Housing Act of  
5       1937 (42 U.S.C. 1437a(b)(6)(B)) is amended—

6               (1) by striking the paragraph heading and in-  
7       serting “SECTION 8 OR SECTION 39 PROGRAM”; and

8               (2) in the matter preceding clause (i), by insert-  
9       ing “or section 39” after “section 8”.

10      (c) PORTABILITY.—Section 8(r) of the United States  
11     Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—

12               (1) in paragraph (1) by inserting “or section  
13       39” after “subsection (o)”;

14               (2) in paragraph (3), by inserting “or section  
15       39” after “subsection (o)” each place it appears;

16       and

17               (3) in paragraph (5)—

18                       (A) by inserting “or section 39” after  
19       “under the tenant-based assistance program”  
20       each place it appears; and

21                       (B) by inserting “or section 39, as applica-  
22       ble,” after “section 8 program”.

○